

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

David Lynn Hieb,

Petitioner,

-vs-

Chad Pringle, Warden,

Respondent.

Case No. 3:17-cv-31

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge.¹ The Report and Recommendation recommends the dismissal of David Hieb's petition for habeas relief. Hieb has not filed objections to the Report and Recommendation and the time for doing so has expired.

Upon consideration of the entire record and existing case law, the court finds the magistrate judge's analysis is appropriate. The court hereby adopts the Report and Recommendation in its entirety. **IT IS HEREBY ORDERED** that the respondent's motion to dismiss is **GRANTED** and Hieb's petition for habeas relief is **DISMISSED** with prejudice.

In light of the issue raised concerning the factual basis for Hieb's guilty plea, an appeal may not be frivolous. The court hereby grants a certificate of appealability should Hieb desire to appeal.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 17th day of August, 2017.

/s/ Ralph R. Erickson
Ralph R. Erickson, District Judge
United States District Court

¹ Doc. #11.